

60 BAR LAND EXCHANGE, WYOMING

SEPTEMBER 26, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 1030]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1030 is to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

BACKGROUND AND NEED FOR LEGISLATION

The Bureau of Land Management (BLM) is seeking to finalize an equal-value land exchange under section 206 of the Federal Land Policy and Management Act under which the United States will acquire 9,480 acres of land of high scenic and recreational value near Gillette, Wyoming. The mineral estate of these lands is federally owned and open to the operation of the mining laws governing disposition in such split-estate situations. In exchange, BLM will convey 20,832 acres of scattered, isolated public lands with mostly limited public access. BLM will retain the mineral estate beneath the offered private lands to be conveyed to the United States, and will

also retain the mineral estate beneath the public lands to be conveyed.

The private lands were formerly located within the 60 Bar Ranch, adjacent to existing BLM and Wyoming State lands. They have been purchased by Cow Creek LLC, a limited liability company, and will be exchanged for scattered, isolated tracts of public land located within the private ranch units of the owners of Cow Creek LLC. An existing uranium company holds surface rights on the scattered public lands proposed for exchange. The company stated a willingness to relinquish its mining claims if this bill becomes law. With respect to the lands begin transferred by BLM, S. 1030 provides for an exemption to 43 Code of Federal Regulation Sections 2201.1 2(d) and 2091.3 2(c), which require that the mineral estate remain closed to the operation of the mining laws pending the issuance of land use regulations. These exemptions will allow the uranium mine to pursue subsurface claims in the future, a situation the owners of Cow Creek LLC are aware of and support.

For additional information, please see Senate Report 106–174.

COMMITTEE ACTION

S. 1030 was introduced by Senator Michael B. Enzi (R-WY) on May 13, 1999. On November 19, 1999, the Senate passed S. 1030 with an amendment by unanimous consent. In the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources and the Subcommittee on National Parks and Public Lands. On June 15, 2000, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On June 28, 2000, the full Resources Committee met to consider the bill. The Subcommittees were discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. 60 Bar land exchange

Subsection (a) describes the waiver of specified BLM regulations which require that mineral estate remain closed to the operation of the mining laws pending the issuance of land use regulations.

Subsection (b) provides the land description of the scattered public lands to be conveyed by S. 1030.

Subsection (c) provides that the land to be acquired by the United States will be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1030, an act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the state of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1030—An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the state of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws

CBO estimates that enacting S. 1030 would have no significant impact on the federal budget. Enacting the legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1030 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 1030 concerns the administration of certain federal land that the Bureau of Land Management (BLM) plans to exchange in Wyoming. In the proposed exchange, the federal government would convey the surface rights to about 20,830 acres of federal land in exchange for the surface rights to about 9,500 acres of privately owned land. No subsurface mineral rights would be exchanged. However, under current federal regulations, public land administered by BLM that is conveyed in an exchange is automatically removed from operation of the mining laws. S. 1030 provides that the subsurface rights retained by the federal government in the land exchange would not be subject to those regulations and would therefore remain open to the mining laws. As a result, enacting this legislation would allow a uranium mining company to pursue its existing subsurface claims to the land after the exchange is completed.

On October 5, 1999, CBO transmitted a cost estimate for S. 1030 as ordered reported by the Senate Committee on Energy and Natural Resources on September 22, 1999. The two versions of this legislation are identical, and the cost estimates are the same.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.